



**National Crime Prevention and Privacy Compact
COMPACT COUNCIL MEETING
BALTIMORE, MARYLAND
MAY 17-18, 2006
MINUTES**

Ms. Donna M. Uzzell, Chairman, National Crime Prevention and Privacy Compact Council (Council), called the Council meeting to order at 9:00 a.m. on May 17, 2006, in the Tremont Plaza Hotel in Baltimore, Maryland.

Mr. Todd C. Commodore, FBI's Compact Officer, conducted roll call of the Council members. The following Council members, or their proxies, were in attendance.

State Compact Officers:

- Mr. Paul Heppner, Georgia Bureau of Investigation
- Mr. Jeffrey R. Kellett, New Hampshire State Police
- Mrs. Julie LeTourneau Lackner, Minnesota Bureau of Criminal Apprehension
- Captain Timothy McGrail, Missouri State Highway Patrol
- Lt. John O'Brien, New Jersey Division of State Police
- Ms. Dawn Peck, Idaho State Police
- Mr. David Sim, Kansas Bureau of Investigation
- Mr. Michael Timmerman, Arizona Department of Public Safety
- Ms. Donna Uzzell, Florida Department of Law Enforcement

State/Local Noncriminal Justice Agency Representative:

- Mr. Robert Finlayson III, Georgia Department of Human Resources

State/Local Criminal Justice Agency Representative:

- Ms. Robyn Lyles, Maryland Department of Public Safety and Correctional Services (proxy for Mrs. Carole Shelton)

Federal Noncriminal Justice Agency Representative:

- Mr. William Marosy, Office of Personnel Management
(proxy for Ms. Kathy Dillaman)

Federal Criminal Justice Agency Representative:

- Mr. Jonathan Frenkel, Department of Homeland Security

CJIS Advisory Policy Board (APB) Representative:

- Mr. William Casey, Boston Police Department

Federal Bureau of Investigation:

- Mr. Thomas E. Bush, III, FBI, CJIS Division

Mr. Commodore recognized the new State Compact Officers and state repository representatives. Other meeting attendees introduced themselves and the agency they represented. (**Attachment 1**)

Chairman Uzzell reported West Virginia and Hawaii became the 26th and 27th states respectively to ratify the National Crime Prevention and Privacy Compact (Compact). Chairman Uzzell and Mr. David Sim continue to provide guidance upon request to potential signatory states. There are several states working towards Compact ratification and the Policy and Planning Committee is exploring ways to expand Compact ratification.

During the month of May, the FBI staff will conduct a National Fingerprint File (NFF) onsite at the Wyoming Division of Criminal Investigations. The Council requested the Policy and Planning Committee discuss a policy/time line for Compact states to become III and NFF participants. Idaho expects to be an NFF state by the summer of 2006.

Chairman Uzzell further advised that she had sent a letter and updated Compact brochure to members of Congress. (**Attachment 2**) Chairman Uzzell requested each member send a letter and brochure to their Congressional representatives.

Chairman Uzzell announced the Identity Verification Program Guide is finalized and will be forwarded to all state repositories, federal, and regulatory agencies. The FBI staff is in the process of copyrighting the brochure to preserve the Council's recommendations.

At the Council's request, the FBI staff finalized the handbook. A copy of the handbook was included in packets distributed prior to the meeting. (**Attachment 3**) Additionally, a copy of the handbook will be posted on the Council's Website.

At the November 2005 Council meeting a letter was distributed to Compact signatories and Compact Memorandum of Understanding (MOU) states requesting they work towards making their records available for purpose code I requests. Chairman Uzzell reported as a result of that letter, six Compact states and one MOU state made

their records available for noncriminal justice requests.

In January 2006 Chairman Uzzell and Mr. Sim traveled to Washington, DC, to meet with the Department of Justice (DOJ) and discuss the Council's recommendations to Section 6403, Sub D, of the Intelligence Reform and Terrorist Prevention Act of 2004. An update was provided during the meeting.

Next, the Council approved the minutes from the November 2-3, 2005, meeting.

Council Action: Ms. Dawn Peck moved to approve the November 2005 minutes. Seconded by Mr. Michael Timmerman. Motion carried.

Mr. Commodore advised of a discussion by the Policy and Planning Committee at their March 2006 meeting, in Las Vegas, Nevada. The committee proposed amending the bylaws to reflect all committee meetings be closed to the public. Sponsor Ms. Kathy Dillaman was absent, therefore, co-sponsor Mr. Sim sponsored the amendment. **(See Attachment 4)** The proposed change would only affect committee meetings.

Council Action: Mr. David Sim moved the Council bylaws change and the following change becomes effective immediately:

Council committee meetings are closed to the public. Attendance is limited to committee members, federal, and state government employees acting in an official capacity, and others by a specific invitation of the committee chairperson.

Seconded by Mr. Paul Heppner. Motion carried.

Mr. Thomas E. Bush, III, FBI, CJIS Division, provided an update on the CJIS Division. **(Attachment 5)** Mr. Bush provided updates on the Integrated Automated Fingerprint Identification System (IAFIS), National Crime Information Center, National Instant Criminal Background Check System, Law Enforcement Online (LEO), Uniform Crime Reporting, and spoke about new initiatives of the Next Generation IAFIS, Department of Homeland Security (DHS), and Department of Defense (DoD).

Topic #1 The Standards Committee Report on the Modification of the IAFIS to Utilize State Records When States Can Respond For Noncriminal Justice Purposes

Mrs. Paula Barron, FBI staff, presented information regarding the Standards Committee's report on the modification of IAFIS to utilize state records where states can respond for noncriminal justice purposes. (**Attachment 6**) This modification was suggested at the Policy and Planning meeting in July 2005 in Washington, DC. Mrs. Barron reviewed the proposed modification and the impact to the fingerprint submitting agencies.

Mrs. Barron stated that if the proposed modification was implemented, the users would receive more information from the applicant fingerprint submission than they do today as the states would be providing their records. Further, the proposal would not require any change at the state level for fingerprint processing. The III states would continue to send all arrest fingerprints to IAFIS because the FBI will continue to support any purpose codes the III state cannot. The new fingerprint images may upgrade the IAFIS criminal master file providing continued benefit to law enforcement. The FBI advised the change is feasible and could be implemented in approximately four to six months.

The Standards Committee endorsed the IAFIS modification for noncriminal justice purposes at the March 2006 meeting. The Advisory Process Regional Working Groups, and the Identification Services (IS) Subcommittee supported the modification for criminal justice purposes and also sent an endorsement to the Council for noncriminal justice purposes. This topic will be presented at the June 2006 APB meeting in Cincinnati, Ohio.

Council Action: Mr. Paul Heppner moved to endorse the recommendation to modify the IAFIS to utilize state records when states can respond for noncriminal justice purposes and the FBI implement the modification as soon as possible. Seconded by Mr. William Marosy. Motion carried. The motion was amended to reflect the Council's suggestion that the FBI waive the 12 month notice to the states for implementation.

**Topic #2 The Standards Committee Report on the IAFIS Processing
Based on Priority**

Mrs. Debbie Chapman, FBI staff, presented the Standards Committee Report outlining proposals for prioritizing fingerprint submissions to the IAFIS. (**Attachment 7**) Mrs. Chapman provided updated statistics for criminal and civil fingerprint transactions. The proposed enhancement is an attempt to address the increasing civil workload. Currently, an assumption exists all criminal fingerprint transactions are more urgent than civil, however, in some civil transactions are more urgent than criminal.

The CJIS Division is building a more comprehensive criminal history in IAFIS and trying to obtain older dates of arrest (DOA) that are missing. The proposal incorporates an IAFIS programming change which recognizes and sets the priorities on criminal transactions. Submissions within 48 hours of the DOA would be priority one. Submissions greater than 48 hours of the DOA would be priority two. The proposal for civil transactions allows the user to place the priority code with priority one being the most urgent. All other civil transactions would have priority two, three, or four. The proposed change would take approximately six to 12 months to implement.

Council Action: Mr. Paul Heppner moved to support the Compact Council Standards Committee's motion from the March 2006 meeting to accept Option One for criminal submissions as follows:

**Enable use of the EFTS field: PRY 1.06 in the IAFIS with utilization based on the DOA. Criminal electronic submissions with DOAs less than 48 hours from submission would be processed with the highest priority.
Seconded by Ms. Dawn Peck. Motion carried.**

The members held a lengthy discussion regarding prioritization of Live Scan, Flat Scan, rolled, and manual fingerprint submissions.

Council Action: Mr. David Sim moved for Council approval of the prioritization concept for civil submissions, providing a higher priority to Live Scan than manual submissions. The Council also endorsed Option One to enable use of the EFTS field: PRY 1.06 for civil electronic submissions and establish guidelines for utilization. Seconded by Mr. Jeffrey Kellet. Motion carried.

Topic #3 The Standards Committee Report on the Proposed Change to National Fingerprint File (NFF) Qualification Requirements Regarding the State's Response Time

Mrs. Barron presented the Standards Committee report on the proposed change to NFF Qualification Requirements regarding the state's response time. The state and FBI NFF Qualification Requirements were published as a notice independent of the Federal Register in June 2005. The qualification requirements were reviewed, revised, and approved by the CJIS APB and the Council. The NFF requirement and the proposed modification of concern was the state response time of ten minutes or less upon a record request being received by the state.

The Standards Committee requested the FBI survey the states to establish the response time. The IS Subcommittee recommended modifying the wording of the qualification requirement to state an NFF state's automated criminal history record system shall have the sufficient capability to provide a normal online record response immediately but in no more than ten minutes.

Council Action: Mr. Heppner moved that the CJIS Division staff obtain more statistical information in order for the Council to intelligently determine the maximum response time based upon what is currently occurring. This information should be presented at the next Standards Committee meeting. Seconded by Ms. Robyn Lyles. Motion carried.

Topic #4 **Federal Grant Opportunities for National Crime Prevention and Privacy Compact (Compact) Signatory States.**

Mr. Todd Commodore stated Mr. Gerard Ramker was scheduled to present and discuss information on available funding programs and resources for improving criminal history records within III and for the interstate change of criminal history record information for noncriminal justice purposes. However, Mr. Ramker was unable to attend, but provided a packet to the Council members. (**Attachment 8**)

Topic #4A **Fast Capture Fingerprint/Palm Print Technology**

Mr. Chris Miles, Senior Program Manager for the National Institute of Justice (NIJ), presented a status report on the NIJ fast capture fingerprint/palm print technology. The project is a joint effort of multiple agencies within the DOJ as well the other agencies in the federal government, including FBI, Justice Management Division, Drug Enforcement Agency, and Bureau of Statistics.

The group has solicited proposals to meet the requirements. A subject matter specialist and independent group reviewed the applications and obtained funding for the projects. Mr. Miles spoke in detail of the four contracts that were awarded. The seven million dollar budget was provided by the FBI, Department of Homeland Security (DHS), Department of Defense (DoD), and the Justice Management Division.

Council Action: This topic was accepted as information only.

Topic #5 Manual Fingerprint Image Submission Procedures

Mrs. Barron presented the manual fingerprint image submission (FIS) procedures. Mrs. Barron stated the CJIS Division spoke with the Colorado Bureau of Investigation (CBI) and the Kansas Bureau of Investigation (KBI) as they prepared for NFF participation. Mr. Sim stated the inability to send electronic fingerprint submissions to IAFIS was an obstacle and advised the CJIS Division has a manual process. When the AFIS modifications are complete enabling KBI to send manual transactions to IAFIS, KBI will meet all of the NFF qualification requirements. Mr. Sim requested the CJIS Division provide an update/reminder to NFF states and those preparing for NFF regarding the manual process for submitting updates or changes to fingerprint images to IAFIS. Mr. Sim cited the additional benefit of possibly improving the master print on file.

Mr. Barron provided an overview of the manual process. For any image an NFF state updates in the master file at the state level, the image should be submitted to the FBI to update IAFIS. For manual submissions, the user prints out the fingerprint cards, bundles them together, labels them either on the outside of an envelope or with a post-it as an FIS transaction, and mails those to the CJIS Division. Once received by the CJIS Division, the information could be used to update the master print, particularly in situations when a permanent scar or amputation radically alters the fingerprint image.

Mr. Sim commented the FIS issue prevented KBI from progression toward NFF participation. Estimates of the cost of the AFIS modification to accommodate automated FIS submission were cost prohibitive. The manual submission process solved this problem and Mr. Sim thanked the FBI for their support.

Council Action: This topic was accepted as information only.

Topic #6 Department of Defense and FBI Joint Initiatives

The Programs Development Section (PDS) Chief David Cuthbertson presented an overview on the DoD and FBI Joint Initiatives. (**Attachment 9**) In 2002, the Attorney General gave a directive to the CJIS Division stating the DOJ and the FBI collect the fingerprints and biographical data of known or suspected terrorists. The sources were foreign law enforcement agencies, host nations, and the DoD.

Mr. Cuthbertson discussed the partnership between the DoD and the FBI and the DoD's role in providing known or suspected terrorist fingerprint data to the FBI. In July 2004, the DoD began sharing data with the FBI. The FBI assisted the DoD in

establishing the Automated Biometric Identification System (ABIS) for criminal and civil fingerprint submissions of individuals posing a threat to national security. The ABIS was built to standards for information sharing with IAFIS. The fingerprints are submitted by DoD to the ABIS, located at the CJIS Division, and operated by the Biometric Fusion Center in Clarksburg, West Virginia. The fingerprints are compared to the ABIS and then submitted to IAFIS, III, and NFF for comparison and returned to the DoD. The DoD submissions increased the number of prints in the FBI system significantly and many identifications have been made from the field, Iraq, and Afghanistan.

Mr. Cuthbertson discussed the process for hit confirmation. If a hit occurs on a criminal submission, the Joint Terrorism Task Force is notified. On a civil submission, the Control Systems Officer (CSO) within the state is notified. Chairman Uzzell requested the FBI to review the policy to determine if it includes notification of the CSO on all hits. Chairman Uzzell also advised states would not have to store those prints because that would be a duplication of effort.

Mr. Bush discussed the FBI's efforts in compiling data on transnational criminal enterprises. A task force was established at FBI Headquarters to work closely with the DHS. The task force addresses fingerprint retention for criminal groups, similar to the retention for known or suspected terrorists. A site assessment of Chiapis, Mexico was conducted and as a result the FBI obtained approximately 250 fingerprint records of MS13 members currently incarcerated in Mexico. When compared against IAFIS, over 40 of these detainees had established criminal histories in the United States.

Council Action: This topic was accepted as information only.

Topic #7 The Policy and Planning Committee Report

Mr. Sim provided the Policy and Planning Committee Report. At the April 2006 meeting in Las Vegas, Nevada, the Policy and Planning Committee recommended planning a conference or symposium to expand state Compact ratification. The committee also discussed the time line for NFF participation. The members discussed items for consideration, including a checklist for states preparing for the NFF program and selecting a pilot state for implementation. The members considered the possibility of researching modifications to the user fee structure to provide incentives and funding support for states transitioning to the NFF program. The members also discussed the Identity Verification Program Guide and as a result, made the decision to copyright the brochure.

The strategic plan for the next several years is in development. The members

outlined the goals and are developing objectives. Mr. Sim is in the process of collecting and assembling the information. These objectives will be available at the next Policy and Planning Committee meeting.

Mr. Frank Campbell provided an update on the Intelligence Reform and Terrorism Prevention Act. Section 6403 required the Attorney General (AG) to make recommendations to Congress for improving, standardizing, and consolidating existing statutory authorizations, programs, and procedures for conducting noncriminal justice background checks. In June of 2005, the DOJ requested comments on the legislation. The DOJ was required to consult with the private sector, the Council, and state repositories to develop recommendations.

A notice was published in the Federal Register soliciting comments on these factors. The DOJ received extensive comments from approximately 55 entities including professional background screeners, commercial data collectors, private sector businesses, employers in trade associations, security companies, labor representatives, privacy advocates, and ex-offender advocates. The DOJ also received comments from the National Consortium for Justice Information and Statistics (SEARCH) and the Council. Interested parties can review the public notice and the comments that DOJ received by visiting the DOJ Website at www.usdoj.gov.

The draft report was submitted for review by the Office of Management and Budget (OMB) and circulated for comments from all federal agencies. The DOJ hopes to submit the report to Congress as soon as possible. Once published, Mr. Campbell will hold a conference call with the Council. Chairman Uzzell urged those in attendance to discuss the issues with their respective Congressional representatives. Chairman Uzzell commended Mr. Campbell for soliciting the Council's opinion and his willingness to listen.

Council Action: This topic was accepted as information only.

Topic #7A Implementation of the Private Security Officer Employment Authorization Act of 2004

Mr. Allen Nash, FBI staff, presented this topic. The Private Security Officer Employment Authorization Act authorizes fingerprint-based state and national background checks on prospective and current private security officers. The act directed the Attorney General to issue an interim final or a final regulation as necessary. The regulations included standards for the security, confidentiality, accuracy, use, submission, dissemination, and destruction of criminal history record information as well as the

standards for qualifying an authorized employer and the imposition of fees. The interim rule was published in the Federal Register on January 11, 2006, and provided for a 60 day comment period. A copy of the regulation was disseminated in the member packets. **(Attachment 10)**

Mr. Nash reviewed the definitions within the regulation, explained the procedure for requesting a criminal background check through the state, and the employment disqualifiers. The regulation outlines employee and employer rights. Mr. Nash described the state responsibilities and advised each state must decide whether to opt in or out of program participation. A state can opt out of this program by enacting legislation or in accordance with an order issued by the governor.

The Council discussed scenarios involving this legislation, including company location (U.S. based or overseas). The members also raised questions regarding the legislation, the constitutionality, and additional legislation affecting these checks.

Mr. Nash stated the PDS, CJIS Division, received comments on this regulation. The PDS is drafting a letter to all states, the CSO, and State Identification Bureaus outlining the process for submitting applicant fingerprints for this purpose. The letter will also address what information should appear in the request for proposal field if no state statute exists, the type of transaction to be used in the submissions, the model for the employee certification form and details on opting out of the program.

Council Action: This topic was accepted as information only.

Topic #8 **The Standards and Policy and Planning Committee' Reports on a Strategy for Expanding State Ratification of the National Crime Prevention and Privacy Compact (Compact)**

Mr. James Gray presented the topic and reported 27 states ratified the Compact. There are 10 nonparty states that have signed an MOU voluntarily binding those states to the Council's rules, procedures, and standards for the noncriminal justice use of the III system. The remaining 19 nonparty non-MOU states or territories are listed in the topic paper.

The topic paper described the efforts by the Council, SEARCH, the Bureau of Justice Statistics, and the FBI to document and distribute information describing the Compact, the benefits of ratifying the Compact, and the role of the Council in regulating the noncriminal justice use of the III system. The Council was asked to review the strategic work plan and goals. These were reviewed by the Standards and Policy and

Planning Committees.

Council Action: Mr. Paul Heppner moved that the Council conduct the following for expanding state ratification of the Compact:

- (1) Formulate a cover letter from the Council Chairman, as well as a survey that is disseminated to the states that is inclusive of "best practices" and options for them to consider in moving toward ratification.
- (2) Host a symposium with SEARCH participation
- (3) Invite non-Compact states to attend Council meetings
- (4) Conduct site visits to non-Compact states

Ms. Dawn Peck seconded. Motion carried.

Topic #9 **The Standards and Policy and Planning Committees' Reports on a Policy Regarding the Time Line for Compact States to Become III and NFF Participants.**

Mrs. Barron presented the topic. At the March 2006, Standards and Policy and Planning Committee meetings, both groups considered developing a time line for Compact states to become both III and NFF participants. The Standards Committee recommended the Council take a more proactive approach to expand education and promote incentives in regard to the III and NFF programs. The Policy and Planning Committee requested the CJIS Division staff develop a checklist encompassing the steps for becoming an NFF participant, including deadlines for each step. The committees considered using pilot states for this project to provide feedback to the Council.

The committees considered utilizing user fee incentives for NFF participating states. Additionally, they recommended grants as a source for funding. The Policy and Planning Committee requested Chairman Uzzell send a letter to the DOJ Office of Legal Polices to address funding sources for states that attain NFF status.

A discussion was held regarding the lack of funding for states to become NFF compliant. Chairman Uzzell requested Mr. Bush review the fee structure and possibly lower the fee as an incentive for NFF states. Mr. Bush expressed concern regarding reimbursement for current NFF states and stated the user fee is not established by the FBI, but by OMB and would affect the FBI's appropriated funds.

Council Action: Mr. Jeffrey Kellett moved to develop a matrix assessing states' status toward NFF implementation, goals or milestones for

implementation, and expected dates of attainment, to be presented at the beginning of each Standards Committee meeting. Mr. Paul Heppner seconded. Motion carried.

Topic #10 A Guide for Fingerprint Submitting Agencies to Use When Establishing a Fingerprint Applicant Identity Verification Program

Mr. Commodore provided an update and referred to the Identity Verification Program Guide in each members packet. (**Attachment 11**) At the November 2005 meeting the Council approved the guidelines developed by the Standards Committee and requested organizing those guidelines in a brochure. The Standards Committee reviewed the draft and editorial changes were incorporated into the brochure.

The Policy and Planning Committee discussed the marketing and dissemination of the brochure. The committee recommended dissemination in hard copy, with a cover letter from Chairman Uzzell, to all states and all noncriminal justice agencies. Once the Standards Committee approves the changes, the brochure will be disseminated as recommended. The brochure will also be made available on the Council website.

There was discussion regarding HR-1268 and possible misunderstandings with the language in the brochure. Some members discussed referring to the REAL ID Act instead of HR-1268. Mr. Commodore advised the language could be clarified with the Council's approval.

Council Action: This topic was accepted as information only.

Topic #11 Discussion of the FBI's Departmental Order Process

Chairman Uzzell discussed the departmental order process used by individuals to obtain their criminal history record directly from the FBI. The Departmental Order 556-73 directed the FBI to establish regulations allowing an individual to request his criminal history record from the federal government. The request must be supported by positive identification (fingerprint submission). The FBI developed regulations governing the request by an individual for a copy of their own criminal history record. (**Attachment 12**) These requirements were codified in Title 28, CFR, Sections 1630-34, preceding the Privacy Act of 1974.

Mr. Moyer provided a brief history of the FBI's interpretation of the order. Under the initial scope, the FBI provided an individual's record for limited purposes including

reviewing the record, seeking correction, a change or update. In 2002, if an individual requested his record for employment and licensing purposes, the FBI would not provide the record. The FBI replied with correspondence directing the individual to utilize the state process for obtaining the record. In 2004, this changed and if an individual requested his record, for any purpose, the FBI would provide the record.

Mr. Campbell stated the opinion was based upon the interpretation by the Office of the General Council. Mr. Campbell explained the Privacy Act and the Freedom of Information Act allowed an individual to request and dispose of information under those federal statutes. Mr. Campbell cited benefits of the current interpretation to the adoption process or for individuals unable to read or speak English.

The Council discussed issues created by the FBI's current interpretation of the departmental order and suggested the FBI review the policy. To prevent the use of the FBI record for employment or licensing, the members discussed adding a caveat or removing the identifying information from the FBI record prior to dissemination to the individual. Chairman Uzzell advised an individual requesting the information for personal use receives the complete record, which may include sealed information not appropriate for employment or licensing. Further, if an individual has no record at the FBI, a record may exist at the state, which would not be reflected in the results from the FBI.

Council Action: Ms. Dawn Peck moved that the FBI review the interpretation of this rule. It is the Council's interpretation that under this rule, the records should only be returned to the subject of the record and not to a third party. Seconded By Mr. David Sim. Motion carried.

Additional Topic

Mr. Nash provided an update on the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (PROTECT Act) Pilot Program. In January, the President signed the Violence Against Women and DOJ Reauthorization Act of 2005. Section 1197 extended the PROTECT Act Pilot Program until August 2008. The program was expanded to include any nonprofit organization that provides care to children, its employees, and volunteers. The National Center for Missing and Exploited Children (NCMEC) will determine the volunteer organizations which participate in the program with the concurrence or rejection of the AG. The volume of fingerprint submissions from volunteer organizations increased from 100,000 to 200,000.

The NCMEC will process most of the fingerprints, scan them, and send them to

the FBI. The FBI will respond back to the NCMEC. At this time, the NCMEC does not want to handle the payments and wants the organizations to accept billing responsibilities. Many of the organizations are unable to process the billing and their checks may come to the FBI directly. As of May 15, 2006, three agencies were approved by the NCMEC. They are the National Alliance of Youth Sports, the American Camp Association, and the National Crime Prevention Council.

Council Action: This topic was accepted as information only.

Topic #12 Next Generation IAFIS Update

Mr. Gary Barron, FBI staff, provided the NGI update. **(Attachment 13)** The NGI has been a collaborative effort by IAFIS stakeholders, the APB, and the Council. The developers canvassed over 190 user groups to determine future needs, develop requirements, and create a draft concept of operations. Over 1,000 NGI user requirements were identified, including multi-modal and latent functionality.

The developers categorized the requirements as reasonably added, legacy, phase II, and not feasible. The requirements were submitted to the IIETF for consideration. The IIETF reviewed each user requirement during a meeting at the FBI CJIS Division in Clarksburg, West Virginia, and forwarded their recommendations to the IS Subcommittee. The IS Subcommittee will forward the recommendations to the Council and the APB.

Chairman Uzzell inquired about comparing rolled fingerprint submissions against a flat fingerprint image and if a reliability study was available. Mr. Barron advised the National Fingerprint Applicant Check System report was available, but he was unaware of any other study. Mr. Commodore added that data sets were not available for comparison, but referred to a United Kingdom project examining the use of flat files. Mr. Bush added that the United Kingdom created a national identification device using flat fingerprint submissions which may provide better data regarding reliability.

Council Action: Mr. David Sim moved to request the FBI, as it starts analyzing flat fingerprints, to study the impact of retained flat prints versus rolled prints. Seconded by Mr. Paul Heppner. The motion carried.

Topic #13 Advisory Policy Board Update

Mr. William Casey, Chairman of the CJIS Advisory Policy Board (APB), presented this topic and provided the approved motions from the last APB meeting. **(Attachment 14)**

Council Action: This topic was accepted as information only.

Topic #14A Interoperability, The Next Step With Canada

Ms. Chapman provided an overview on proposed interoperability between the Canadian Automated Fingerprint Identification System (AFIS) and the FBI CJIS Division. (**Attachment 15**) In February 2001, the FBI and the Royal Canadian Mounted Police (RCMP) entered into a Memorandum of Cooperation regarding the exchange of criminal fingerprint data. Since then, the FBI agreed to exchange fingerprints with Canada and established connectivity to share information. The CJIS Division is proposing routing fingerprint transactions to the IAFIS and the Canadian AFIS upon user request. Under the proposal, the contributing agency would receive two responses: a response from the IAFIS and a response from the Canadian AFIS. This could provide significant benefits for the states bordering Canada.

Ms. Chapman stated the CJIS Division would need to modify the EFTS Manual to include a new field element within criminal transactions. The field element would be entered by the contributors and would indicate the Canadian fingerprint based repository should be searched. The IS Subcommittee is requested to consider this usage.

Ms. Chapman explained the need to govern the number of searches per day to ensure system degradation did not occur. Ms. Chapman also stated Canada was currently developing their new fingerprint system known as Real Time Identification (RTID). The proposed functionality will not be realized until the RTID is delivered and stable.

Council Action: This topic was accepted as information only.

Topic #14B Results Regarding Pilot Test of the Federal Bureau of Investigation (FBI) Civil Fingerprint File for the Department of Defense (DoD)

Ms. Chapman presented findings from a collaborative study conducted by the FBI CJIS Division's Identification and Investigative Services Section and the Defense Personnel Security Research Center (PERSEREC) to assess the feasibility of conducting Civil File searches for all DoD fingerprints submitted for background investigations. (**Attachment 16**) Ms. Chapman stated that the Los Angeles Military Entrance Processing Station agreed to assist PERSEREC and the FBI with the pilot by providing fingerprints for a sample of subjects.

Ms. Chapman discussed the details of the study, the process, and the staff paper produced to record the findings of the study. The project demonstrated that the

information in the IAFIS Civil File is valuable and can be searched, although a more automated method is needed.

Council Action: This topic was accepted as information only.

Topic #15 Sanctions Committee Report

Mrs. Julie LeTourneau Lackner, Chair of the Sanctions Committee, reported that during the May 16, 2006, Sanctions Committee meeting, the committee reviewed audit findings from six states. Compact states were reviewed for violations of the Compact and compliance with NFF Qualification Requirements. Non-MOU states and non-Compact states were reviewed for violations of Compact Rules. The Sanctions Committee made the recommendation to send letters based on those criteria. The Compact states that were reviewed were Connecticut, Idaho, and Maine. Non-MOU, non-Compact states reviewed were California, Indiana, and Maryland.

The Sanctions Committee also reviewed the IAFIS pilot audit of noncriminal justice use of criminal history information and instructed FBI CJIS Division staff to make minor changes to the document. The Sanctions Committee also accepted, for information only, the paper titled Integrated Automated Fingerprint Identification System Noncriminal Justice Use of Criminal History Information Audit Methodology Training Concept.

Council Action: Mrs. Julie LeTourneau Lackner moved to approve the Sanctions Committee Report. Seconded by Lt. John O'Brien. Motion carried.

Topic #16 Proposed Changes to the Interstate Identification Index (III) System Synchronization Process

Mrs. Julia Mickey Wilson, FBI staff, presented the proposed changes to the Interstate Identification Index (III) System synchronization process. Mrs. Wilson provided the Council with background information on the III synchronization process. The Council was asked to explore some administrative and operational enhancements to the III synchronization process.

Council Action: Ms. Dawn Peck moved to accept the following changes to administrative procedures to the III Synchronization Process:

1. **Discontinue the use of the Acknowledgment Letter. The current policy**

requiring completion of the synchronization discrepancies and the return of the Certification Letter (utilizing electronic communication) within the 90 days would remain in effect.

3. Request the FBI to develop training on correcting synchronization discrepancies.
4. Using Law Enforcement Online (LEO) and NLETS as the mechanisms for sending the administrative notification of the synchronization process.

Seconded by Lt. John O'Brien. Motion carried.

Council Action: Mr. Paul Heppner moved to change the operational procedures to allow the FBI to begin allowing updates as soon as the CJIS snapshot is completed. This would result in the \$.A. messages being queued at the state. Seconded by Mr. Jeffrey Kellett. Motion carried.

Topic #17 Status of FBI's Selection of Pre-Approved National Channelers

Mr. Commodore provided the Council with the status of the FBI's selection of pre-approved national channelers. The Council published its final Outsourcing Rule last December. To fulfill its obligations under the rule, the FBI must solicit interest for contractors to serve as channelers for agencies authorized to submit directly to the FBI. On June 22, 2005, the FBI published a Request for Information in the Federal Business Opportunities, to formally gather information on the number and capabilities of contractors interested in serving as channelers pursuant to the Council's Outsourcing Rule and Standard. Mr. Commodore advised that the FBI published a notice in the Federal Register of its intent to publish a Request for Proposal (RFP) for those parties interested in becoming a channeler. Interested parties will have 30 days to respond to the RFP.

Council Action: This topic was accepted as information only.

Topic #18 Background Checks of Contractors Who Work in Multiple States

Mrs. Wilson briefed the Council on the mechanism whereby contractors working in multiple states are subjected to one state of residency and one national fingerprint check. Mrs. Wilson cited the CJIS Security Policy, Section 4.5.1, which provides to verify identification, state of residency and national fingerprint-based record checks shall

be conducted within 30 days upon initial employment or assignment for all personnel who have authorized access to FBI CJIS systems. Mrs. Wilson described the current process.

The proposed process was suggested by a CJIS Systems Officer. Under this proposal, CJIS System Agencies and local agencies within a state enter into an MOU regarding the processing of background checks of contractors. Mrs. Wilson provided motions from the CJIS APB Working Groups, CJIS Security and Access, and IS Subcommittee meetings for the consideration of the Council.

Council Action: This topic was accepted as information only.

Topic #19 Approved Uses of the Interstate Identification Index (III) for Site and Physical Security

Mr. Gray presented this topic and provided a summary of prior CJIS APB recommendations, approved by the Director of the FBI, authorizing criminal justice agencies to use III to conduct record checks for site and physical security purposes and administration of criminal justice functions. This topic was written for the CJIS APB Working Groups and the CJIS APB Subcommittees was provided to the Council for comment on how such authorizations may be expanded to include III checks on persons entering other critical infrastructure facilities.

Issues of concern included whether the checks are criminal justice, noncriminal justice or national security functions, whether such checks could be expanded to include state and local visitors, and the authority for performing such checks. Mr. Gray provided the motions from the CJIS Working Groups and the IS and Security and Access Subcommittee meetings. The Council discussed this issue and the following motion was made:

Council Action: Mr. Bill Casey moved to support the IS Subcommittee motions and recommended that an ad hoc group be formed to assist the FBI in this endeavor. Seconded by Ms. Dawn Peck. Motion carried.

Topic #20 Status Report on Pending Rules and Notices

Mr. Gray provided a status report on the Council's pending rules and notices. The Sanctions Rule was published as a final rule on November 18, 2005. The NFF Qualification Requirements Rule was published as a final rule on December 13, 2005. The Outsourcing of Noncriminal Administrative Functions Rule and the Security and

Management Control Outsourcing Standard was published in the Federal Register on December 15, 2005.

Council Action: This topic was accepted as information only.

Topic #21 Access to DHS Information by Federal, State, and Local Criminal Justice, Intelligence, and Noncriminal Justice Agencies

Ms. Chapman provided a status on access to information contained within DHS/United States Visitor and Immigrant Status Indicator Technology (US-VISIT) fingerprint repositories. (**Attachment 17**) The FBI and the DHS both operate fingerprint-based identification systems. The DHS system is the Automated Biometric Identification System (IDENT), managed by the US-VISIT program. The two fingerprint systems were developed to meet each agency's operational needs and were not designed to be interoperable.

The lack of information sharing between the two systems created gaps for law enforcement officials. To address the immediate needs of IDENT users, an integrated fingerprint workstation, capable of simultaneously searching both the IDENT and IAFIS was developed. A pilot deployment of the workstation began with the Border Patrol in 2000, and will expand to include all Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) sites continuing throughout 2005.

Recognizing the benefits of interoperability, executives from the Department of Justice, DHS, and other stakeholders met at the CJIS Division in May 2005. The group created a US-VISIT/FBI Interoperability Integrated Project Team (IPT) and defined guiding principles to direct the interoperability solution. Further, the IPT developed a three-phased approach to interoperability: interim data sharing model (iDSM); initial operating capability (IOC); and full operating capability (FOC). The iDSM is an interim step, providing increased data-sharing capabilities until the full interoperability solution can be implemented. It is planned in two stages to provide an immediate and medium-range benefit. Ms. Chapman stated three agencies agreed to be a part of the pilot; Boston, the state of Texas, and OPM.

Council Action: This topic was accepted as information only.

Topic #22 Legislative Update

Mr. Moye, Office of the General Counsel, provided the legislative update and addressed significant changes that have occurred since the last meeting. The Children's

Safety and Violent Crime Reduction Act of 2005 was passed in the house on March 8, 2006. Senate version 1086, the Sex Offender Registration and Notification Act was passed on May 4, 2006. HR 4272 Section 815, HR 4437, and Senate Bill 2611 requires the entry of all aliens into our Immigration Violators File. The Senate Bill 2611 requires these background checks be done within 12 months.

Council Action: This topic was accepted as information only.

In conclusion, Mr. Commodore stated that the next Standards Committee and Policy and Planning Committee meetings were scheduled for August 9-10, 2006, in Charleston, South Carolina. The next Council meeting is scheduled for November 7-8, 2006, with the Sanctions Committee meeting on November 6, 2006, in Oklahoma City, Oklahoma.

The meeting was adjourned at 1:13 p.m.